

Sent to Comptroller

(August 4, 1978)

S.B. 17

SEVENTEENTH DAY
(Monday, August 7, 1978)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Aikin, Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Parker, Patman, Price, Santiesteban, Schwartz, Snelson, Traeger, Truan, Williams.

Absent-excused: Ogg.

A quorum was announced present.

The Reverend Dr. Samuel N. Baxter, Good Shepherd Episcopal Church, Austin, offered the invocation as follows:

Grant us, O Lord our God, before all things, by day and by night, amid all things imperfect, inconsistent, uncertain, in small things as well as great

To esteem, to seek after and to lay hold upon that which is eternal namely:

Truth, in all our conversations

Generosity, in deed and word and thought

Integrity and sincerity in all our dealings

Serenity in anxious and contrary event

Worth and thoroughness in the occupation both of work and of leisure,

Patience and Humility in our hearts.

Had by these all, to win the freedom and joyfulness of a child of God, about His Father's business.

Bless us as we gather here and grant in all our works and ways, that we may be guided by Thee.

All this we ask for Thy Name's sake. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Friday, August 4, 1978, was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Ogg was granted leave of absence for today on account of important business on motion of Senator Creighton.

SENATE RESOLUTION ON FIRST READING

The following resolution was introduced, read first time and referred to the Committee indicated:

S.J.R. 17 by Farabee

Intergovernmental Relations

Proposing an amendment to S.J.R. No. 44, 65th Legislature, Regular Session, 1977, relating to a constitutional amendment concerning municipal tax increment bonds.

PROCLAMATIONS FROM GOVERNOR

The President laid before the Senate the following Proclamations by the Governor:

**PROCLAMATION
BY THE
GOVERNOR OF THE STATE OF TEXAS**

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Under the provisions of Article IV, Section 8 of the Constitution of the State of Texas, I, Dolph Briscoe, Governor of the State of Texas, do hereby submit the following for consideration by the Second Called Session of the 65th Legislature, now convened, in addition to such items as have heretofore been submitted, to wit:

The submission of a proposed constitutional amendment relating to tax increment financing;

The consideration and action upon such other subjects and questions as the Governor may submit from time to time.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

IN TESTIMONY WHEREOF, I have heretofore signed my name officially and caused the Seal of State to be affixed hereto at Austin, this 7th day of August, A.D., 1978.

/s/DOLPH BRISCOE
GOVERNOR OF TEXAS

ATTEST:

/s/STEVEN C. OAKS
SECRETARY OF STATE

**PROCLAMATION
BY THE
GOVERNOR OF THE STATE OF TEXAS**

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Under the provisions of Article IV, Section 8 of the Constitution of the State of Texas, I, Dolph Briscoe, Governor of the State of Texas, do hereby submit the following for consideration by the Second Called Session of the 65th Legislature, now convened, in addition to such items as have heretofore been submitted, to wit:

The consideration of legislation exempting from the State Sales, Excise and Use tax certain energy saving materials and equipment;

The consideration and action upon such other subjects and questions as the Governor may submit from time to time.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

IN TESTIMONY WHEREOF, I have heretofore signed my name officially and caused the Seal of State to be affixed hereto at Austin, this 4th day of August, A.D., 1978.

/s/DOLPH BRISCOE
GOVERNOR OF TEXAS

ATTEST:

/s/STEVEN C. OAKS
SECRETARY OF STATE

**PROCLAMATION
BY THE
GOVERNOR OF THE STATE OF TEXAS**

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Under the provisions of Article IV, Section 8 of the Constitution of the State of Texas, I, Dolph Briscoe, Governor of the State of Texas, do hereby submit the following for consideration by the Second Called Session of the 65th Legislature, now convened, in addition to such items as have heretofore been submitted, to wit:

To consider legislation authorizing the Texas Department of Corrections to sell certain real property known as the Blue Ridge Farm and to reinvest the proceeds of that sale in the purchase of additional real property and facilities for use by the Texas Department of Corrections;

To consider and act on such other subjects and questions as the Governor may submit from time to time.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

IN TESTIMONY WHEREOF, I have heretofore signed my name officially and caused the Seal of State to be affixed hereto at Austin, this 3rd day of August, A.D., 1978.

/s/DOLPH BRISCOE
GOVERNOR OF TEXAS

ATTEST:

/s/STEVEN C. OAKS
SECRETARY OF STATE

The Proclamations were read and were filed with the Secretary of the Senate.

BILL SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bill:

H.B. 36**MESSAGE FROM THE HOUSE**

House Chamber

August 7, 1978

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 55, A bill to be entitled An Act relating to student center fees at West Texas State University; adding Section 102.34 to Chapter 102, Texas Education Code, as amended.

H.J.R. 41, A joint resolution proposing a constitutional amendment exempting from taxation the residence homesteads of veterans of the First World War and their unmarried surviving spouses.

H.C.R. No. 19, Congratulating TLC softball team.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

HOUSE CONCURRENT RESOLUTION 19 ON SECOND READING

The President laid before the Senate:

H.C.R. 19, Congratulating TLC softball team.

The resolution was read.

On motion of Senator Jones of Taylor and by unanimous consent, the resolution was considered immediately and was adopted.

HOUSE BILL AND RESOLUTION ON FIRST READING

The following bill and resolution received from the House, were read the first time and referred to the Committee indicated:

H.B. 55, To Committee on Education.

H.J.R. 41, To Committee on Finance.

MOTION TO PLACE SENATE BILL 20 ON SECOND READING

Senator Price moved to suspend the regular order of business to take up for consideration at this time:

S.B. 20, Relating to student center fees at West Texas State University; adding Section 102.34 to Chapter 102, Texas Education Code, as amended.

The motion was lost by the following vote (Not receiving two-thirds vote of the Members present): Yeas 16, Nays 14.

Yeas: Aikin, Andujar, Blake, Creighton, Farabee, Harris, Jones of Taylor, Lombardino, McKnight, Meier, Mengden, Moore, Patman, Price, Snelson, Traeger.

Nays: Braecklein, Brooks, Clower, Doggett, Hance, Jones of Harris, Kothmann, Longoria, Mauzy, Parker, Santiesteban, Schwartz, Truan, Williams.

Absent-excused: Ogg.

MESSAGE FROM THE HOUSE

House Chamber
August 7, 1978

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 15, Granting Servall Mechanical Contractors, Incorporated permission to sue the State of Texas.

H.C.R. 18, Granting Denton Construction Co., permission to sue the state.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

HOUSE RESOLUTION ON FIRST READING

The following resolution received from the House, was read the first time and referred to the Committee indicated:

H.C.R. 18, To Committee on Administration.

GUESTS PRESENTED

The President presented to the Members of the Senate The Honorable Charles Wilson, Member of Congress, 2nd Congressional District and former State Senator.

Senator Schwartz presented to the Members of the Senate his guests as follows: Dr. and Mrs. Bernard A. Milstein and daughters, Andria and Julie; Dr. and Mrs. Ted Friedberg and children, Laura, Brooks, Paul and Anna; and Mr. and Mrs. Sam Breitman.

(Senator Clower in the Chair)

SENATE RULE 103 SUSPENDED

On motion of Senator Snelson and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Intergovernmental Relations might consider **S.J.R. 17** today.

SENATE RULE 103 SUSPENDED

On motion of Senator Jones of Harris and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Administration might consider **H.C.R. 18** today.

NOTICE OF EXECUTIVE SESSION

Senator McKnight gave notice that he would move for an Executive Session of the Senate tomorrow at the conclusion of Morning Call.

RECESS

On motion of Senator Aikin the Senate at 11:02 o'clock a.m. took recess until 3:00 o'clock p.m. today.

AFTER RECESS

The Senate met at 3:00 o'clock p.m. and was called to order by the President.

LEAVE OF ABSENCE

Senator Mengden was granted leave of absence for the remainder of today on account of important business on motion of Senator Price.

REPORTS OF STANDING COMMITTEES

By unanimous consent, Senator Snelson submitted the following report for the Committee on Intergovernmental Relations:

S.J.R. 17

By unanimous consent, Senator Jones of Harris submitted the following report for the Committee on Administration:

H.C.R. 18

SENATE JOINT RESOLUTION 17 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, all necessary rules including Senate Rule 74 were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.J.R. 17, Proposing an amendment to S.J.R. No. 44, 65th Legislature, Regular Session, 1977, relating to a constitutional amendment concerning municipal tax increment bonds.

The resolution was read second time and was passed to engrossment.

SENATE JOINT RESOLUTION 17 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.J.R. 17** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Harris.

Absent-excused: Mengden, Ogg.

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent: Harris.

Absent-excused: Mengden, Ogg.

HOUSE CONCURRENT RESOLUTION 18 ON SECOND READING

On motion of Senator Clower and by unanimous consent, all necessary rules including Senate Rule 74 were suspended to take up for consideration at this time on its second reading:

H.C.R. 18, Granting Denton Construction Co., permission to sue the State of Texas.

The resolution was read second time and was adopted.

MESSAGE FROM THE HOUSE

Austin, Texas
August 7, 1978

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 18, A bill to be entitled An Act relating to restricting increases in property taxes by local taxing units.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

HOUSE BILL ON FIRST READING

The following bill received from the House, was read the first time and referred to the Committee indicated:

H.B. 18, To Committee on Finance.

SENATE RULE 103 SUSPENDED

On motion of Senator Farabee and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Finance might consider **H.B. 18** upon adjournment today.

RESOLUTION SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled resolution:

S.C.R. 15

SENATE RULE 103 SUSPENDED

On motion of Senator Aikin and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Finance might consider **H.B. 57** at 9:30 o'clock a.m. tomorrow.

MEMORIAL RESOLUTIONS

S.R. 132 - By Farabee: Memorial resolution for Harold Bennett.

S.R. 133 - By Farabee: Memorial resolution for Bruce Burnette Campbell.

S.R. 134 - By Farabee: Memorial resolution for Miss Ethel Morgan.

S.R. 135 - By Farabee: Memorial resolution for Marion C. Barker.

S.R. 138 - By Schwartz: Memorial resolution for Elizabeth Piperi Collins.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 125 - By Schwartz: Extending congratulations to Judge William D. Decker.

S.R. 126 - By Schwartz: Extending congratulations to Judge James A. Piperi.

S.R. 127 - By Schwartz: Extending congratulations to Judge Donald M. Markle.

S.R. 136 - By Doggett: Extending welcome to Reverend Dr. Samuel N. Baxter.

S.R. 139 - By Schwartz: Extending welcome to Maggie and Debbie Colley.

S.R. 140 - By Schwartz: Extending welcome to Dr. and Mrs. Bernard A. Milstein and their daughters, Andria and Julie.

S.R. 141 - By Schwartz: Extending welcome to Dr. and Mrs. Ted Friedberg and their children Laura, Brooks, Paul, and Anna.

S.R. 142 - By Schwartz: Extending welcome to Mr. and Mrs. Sam Breitman.

ADJOURNMENT

On motion of Senator Aikin the Senate at 3:17 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor

(August 7, 1978)

S.B. 17
S.C.R. 15

In Memory

of

Harry Hornby

Senator Snelson offered the following resolution:

(Senate Resolution 137)

WHEREAS, The Senate of the 2nd Called Session of the 65th Legislature of the State of Texas wishes to honor the memory of an outstanding citizen of the City of Uvalde and the State of Texas, Mr. Harry Hornby, who died August 4, 1978 at the age of 61; and

WHEREAS, Mr. Hornby was born in Uvalde, January 15, 1917. He was a graduate of Baylor. Mr. Hornby was also a member of the State Parks Board and the Board of Regents of the Texas State University System. He helped organize Southwest Texas Junior College and was named Outstanding Citizen of Uvalde in 1975; and

WHEREAS, Mr. Hornby had been publisher of the Uvalde Leader News since 1948. He was past president of the South Texas Press Association, of the Uvalde Rotary Club, and past president and founder of the Uvalde Junior Chamber of Commerce; and

WHEREAS, Mr. Hornby was a recipient of the Liberty Bell Award presented by the Uvalde County Bar Association, he was a trustee of Uvalde First Methodist Church, a Rotarian and a member of Veterans of Foreign Wars and the American Legion; and

WHEREAS, Survivors include his wife and one sister, Mrs. Mary Hornby Lea of San Angelo, now therefore be it

RESOLVED, That on this day the Senate of the 2nd Called Session of the 65th Legislature of the State of Texas does so honor the memory of Mr. Harry Hornby and extends sympathy to the members of his family; and, be it further

RESOLVED, That copies of this resolution be prepared, under the Seal of the Senate, and presented to Mr. Hornby's family as a tribute to his memory; and, when the Senate adjourns this day, it do so in his memory.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereto.

On motion of Senator Snelson and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.